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Notice of Allowability

Application No.

09/704,898

Examiner

CHJONG T. HO

Applicant(s)

ABI-NASSIF ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/17/07.
2. ☒ The allowed claim(s) is/are 1-25,28-29,26,27,30-33 renumbered 1-33 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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1. The amendment filed 05/17/07 have been entered and made of record.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Misha Kim Hill on 07/19/2007.

2. The application has been amended as follows:

IN THE CLAIMS

CLAIM 27, after line 8, insert - - forward link transmission rates associated with received data packets corresponding to the outbound packets, service classes associated with the received data packets corresponding to the outbound packets, and - -;

CANCEL CLAIM 34

Allowable Subject Matter

3. Claims 1-25, 28-29, 26, 27, 30-33 are allowed.
4. The following is an examiner's statement of reasons for allowance: the prior art (6104700, 6865185, 6850764) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 1: "controlling a degree to which an order in which the outbound packets are transmitted to the recipients varies based on: (a) the forward link transmission rate associated with each of the received data packets corresponding to

the outbound packets, (b) the service class associated with each of the received data packets corresponding to the outbound packets, and (c) a degree to which an average forwarding percentage for the service class associated with each of the received data packets corresponding to the outbound packets falls below a minimum average forwarding percentage rate assigned to the respective service class”.

5. The following is an examiner's statement of reasons for allowance: the prior art (6104700, 6865185, 6850764) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 26: “controlling a degree to which an order in which the outbound packets are transmitted to the recipients varies based on: (a) the forward link transmission rate associated with each of the received data packets corresponding to the outbound packets, (b) the service class associated with each of the received data packets corresponding to the outbound packets, and (c) a degree to which an average forwarding percentage for the service class associated with each of the received data packets corresponding to the outbound packets falls below a minimum average forwarding percentage rate assigned to the respective service class”.

6. The following is an examiner's statement of reasons for allowance: the prior art (6104700, 6865185, 6850764) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 27: “controlling a degree to which an order in which the outbound packets are transmitted to the recipients varies based on: (a) the forward link transmission rate associated with each of the received data packets corresponding to

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the outbound packets, (b) the service class associated with each of the received data packets corresponding to the outbound packets, and (c) a degree to which an average forwarding percentage for each of the classes is below the minimum forwarding performance for each of the classes”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ORGAD EDAN can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/19/07

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 7/20/07